

# Daily Digest

## HIGHLIGHTS

- Senate agreed to the conference report on S. 1214, Port and Maritime Security Act.
- The House passed H.R. 5708, to reduce preexisting PAGO balances.
- The House agreed to Senate amendments with amendments to H.R. 5063, to extend Temporary Assistance for Needy Families (TANF) and Temporary Extended Unemployment Compensation.
- The House agreed to the conference report to accompany H.R. 3210, Terrorism Risk Insurance Act.
- The House agreed to the conference report to accompany S. 1214, Port and Maritime Security Act clearing the measure for the President.
- The House agreed to the conference report to accompany H.R. 4628, Intelligence Authorization Act.
- The House agreed to the Senate amendment to H.R. 333, Bankruptcy Reform Act, with an amendment.

## Senate

### Chamber Action

*Routine Proceedings, pages S10973–S11160*

**Measures Introduced:** Fourteen bills and three resolutions were introduced, as follows: S. 3156–3169, S.J. Res. 53, and S. Res. 356–357. **Page S11079**

#### Measures Reported:

H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact.

H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion.

S. 1655, to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals, with an amendment in the nature of a substitute.

S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, with amendments.

S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, with an amendment in the nature of a substitute.

S. 2541, to amend title 18, United States Code, to establish penalties for aggravated identity theft.

S. 2934, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion.

S. Con. Res. 94, expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education. **Pages S11078–79**

#### Measures Passed:

**Wellstone Community Center:** Senate passed S. 3156, to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila. **Pages S11000–01**

**Restore Your Identity Act:** Senate passed S. 1742, to prevent the crime of identity theft, and mitigate the harm to individuals victimized by identity theft, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11052–56**

Reid (for Cantwell) Amendment No. 4954, in the nature of a substitute. **Page S11056**

**Unemployment Compensation Extension:** Senate passed H.R. 3529, to provide tax incentives for economic recovery and assistance to displaced workers, after agreeing to the following amendment proposed thereto: **Pages S11060–61**

Clinton Amendment No. 4960, in the nature of a substitute. **Page S11060**

**Webcasting Licensing:** Senate passed H.R. 5469, to amend title 17, United States Code, with respect to the statutory license for webcasting, after agreeing to the following amendment proposed thereto: **Pages S11138–39**

Reid (for Helms) Amendment No. 4955, in the nature of a substitute. **Page S11139**

**Afghanistan Freedom Support Act:** Senate passed S. 2712, to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11139–47**

Reid (for Hagel) Amendment No. 4956, to make managers' amendments. **Page S11147**

**National Day of Prayer and Fasting:** Senate agreed to S. Con. Res. 155, affirming the importance of a national day of prayer and fasting, and expressing the sense of Congress that November 27, 2002, should be designated as a national day of prayer and fasting. **Page S11147**

**American Legion Eligibility:** Senate passed S. 2934, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion. **Page S11147**

**American Legion Eligibility:** Senate passed H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion. **Pages S11147–48**

**Senate Compensation:** Senate agreed to S. Res. 356, paying a gratuity to Trudy Lapie **Page S11148**

**Armed Forces Domestic Security Act:** Senate passed H.R. 5590, to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations, clearing the measure for the President. **Page S11148**

**Relative to 108th Congress:** Senate agreed to S.J. Res. 53, relative to the convening of the first session of the One Hundred Eighth Congress. **Page S11148**

**Printing Authorization:** Senate passed H. Con. Res. 487, authorizing the printing as a House document of a volume consisting of the transcripts of the

ceremonial meeting of the House of Representatives and Senate in New York on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the Congressional Record on the terrorist attacks of September 11, 2001. **Page S11148**

**Commending Anaheim Angels:** Senate agreed to S. Res. 357, commending and congratulating the Anaheim Angels for their remarkable spirit, resilience, and athletic discipline in winning the 2002 World Series. **Pages S11148–49**

**Health Care Coverage:** Senate agreed to S. Con. Res. 94, expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education. **Page S11149**

**Private Relief:** Senate passed H.R. 3758, for the relief of So Hyun Jun, clearing the measure for the President. **Pages S11149–50**

**Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act:** Senate passed S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, after agreeing to a committee amendment in the nature of a substitute. **Pages S11150–53**

**Commending Sail Boston/Maritime Heritage of Nations:** Committee on Commerce, Science, and Transportation was discharged from further consideration of S.J. Res. 42, commending Sail Boston for its continuing advancement of the maritime heritage of nations, its commemoration of the nautical history of the United States, and its promotion, encouragement, and support of young cadets through training, and the resolution was then passed. **Page S11153**

**Wireless Telecommunication Alternatives:** Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 2869, to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11153–54**

Reid (for Kerry) Amendment No. 4957, in the nature of a substitute. **Pages S11153–54**

**Dam Safety and Security Act:** Senate passed H.R. 4727, to reauthorize the national dam safety program, clearing the measure for the President. **Page S11154**

**North American Wetlands Conservation Reauthorization Act:** Senate passed H.R. 3908, to reauthorize the North American Wetlands Conservation Act, after agreeing to committee amendments.

**Pages S11154–55**

**NSF Authorization:** Committee on Health, Education, Labor and Pensions was discharged from further consideration of H.R. 4664, to authorize appropriations for fiscal years, 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and the bill was then passed, after agreeing to the following amendments proposed thereto:

**Pages S11155–59**

Reid (for Kennedy) Amendment No. 4958, in the nature of a substitute.

**Page S11159**

Reid (for Kennedy) Amendment No. 4959, to amend the title.

**Page S11159**

**Armed Forces Tax Fairness Act:** Senate passed H.R. 5557, to amend the Internal Revenue Code of 1986 to provide a special rule for members of uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, after agreeing to the following amendment proposed thereto:

**Pages S11159–60**

Reid (for Baucus) Amendment No. 4961, to provide additional tax equity for military personnel.

**Pages S11159–60**

**Homeland Security Act:** Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

**Pages S11002–30, S11033–45**

Withdrawn:

Durbin Amendment No. 4906 (to Amendment No. 4902), to provide for the development of a comprehensive enterprise architecture for information systems to achieve interoperability within and between agencies with responsibility for homeland security.

**Pages S11011–21**

Pending:

Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.

**Pages S1102–30, S11033–45**

Lieberman/McCain Amendment No. 4902 (to Amendment No. 4901), to establish within the legislative branch the National Commission on Terrorist Attacks Upon the United States.

**Pages S1102–30, S11033–45**

Dodd Amendment No. 4951 (to Amendment No. 4902), to provide for workforce enhancement grants to fire departments.

**Page S11024, S11033–45**

Senate will continue consideration of the bill on Friday, November 15, 2002, with a vote to invoke

cloture on Thompson (for Gramm) Amendment No. 4901, listed above.

**Port and Maritime Security Act—Conference Report:** By a unanimous vote of 95 yeas (Vote 243), Senate agreed to the conference report on S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports.

**Pages S10974–93**

**Appointments to Commission—Agreement:** A unanimous-consent was reached providing that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

**Page S11148**

**Removal of Injunction of Secrecy:** The junction of secrecy was removed from the following treaties:

Convention with Great Britain and Northern Ireland regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. No. 107–19); and

Protocol Amending Convention with Australia regarding Double Taxation and Prevention of Fiscal Evasion (Treaty Doc. No. 107–20).

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

**Page S11057**

**Treaties Approved:** The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Treaty with Honduras for Return of Stolen, Robbed, and Embezzled Vehicles and Aircraft, with Annexes and Exchange of Notes (Treaty Doc. 107–15);

Extradition Treaty with Peru (Treaty Doc. 107–6), with one understanding and one condition;

Extradition Treaty with Lithuania (Treaty Doc. 107–4), with one condition;

Second Protocol Amending Extradition Treaty with Canada (Treaty Doc. 107–11);

Treaty with Belize on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–13), with one understanding and two conditions;

Treaty with India on Mutual Legal Assistance In Criminal Matters (Treaty Doc. 107–3), with one understanding and two conditions;

Treaty with Ireland on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–9), with one understanding and two conditions; and

Treaty with Liechtenstein on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–16), with one understanding and two conditions.

Pages S11057–59

**Executive Session—Motion to Proceed:** The motion to proceed to Executive Session to consider the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor, as not agreed to.

Page S11052

**Nominations Confirmed:** Senate confirmed the following nominations:

Dennis P. Walsh, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2004.

Collister Johnson, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004. (Reappointment)

John M. Rogers, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

Stanely R. Chesler, of New Jersey, to be United States District Judge for the District of New Jersey.

William J. Martini, of New Jersey, to be United States District Judge for the District of New Jersey.

Ronald B. Leighton, of Washington, to be United States District Judge for the Western District of Washington.

David Gelernter, of Connecticut, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Rene Acosta, of Virginia, to be a Member of the National Labor Relations Board for the remainder of the term expiring August 27, 2003.

Phyllis K. Fong, of Maryland, to be Inspector General, Department of Agriculture.

Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term of one year. (New Position)

Carol C. Gambill, of Tennessee, to be a Member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Kyle E. McSarrow, of Virginia, to be Deputy Secretary of Energy.

David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak) for a term of five years.

Peter Schaumber, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2005.

John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala.

Rebecca Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2005.

Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 31, 2008.

Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Daniel L. Hovland, of North Dakota, to be United States District Judge for the District of North Dakota.

Thomas W. Phillips, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Linda R. Reade, of Iowa, to be United States District Judge for the Northern District of Iowa.

Quannah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

Jonathan Steven Adelstein, of South Dakota, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2003.

Alia M. Ludlum, of Texas, to be United States District Judge for the Western District of Texas.

Joel Kahn, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

Patricia Pound, of Texas, to be a Member of the National Council on Disability for a term expiring September 17, 2005. (Reappointment)

Linda Wetters, of Ohio, to be a Member of the National Council on Disability for a term expiring September 17, 2003.

Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2005.

Robert G. Klausner, of California, to be United States District Judge for the Central District of California.

James E. Kinkeade, of Texas, to be United States District Judge for the Northern District of Texas

William E. Smith, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Peggy Goldwater-Clay, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring June 5, 2006. (Reappointment)

Jeffrey S. White, of California, to be United States District Judge for the Northern District of California.

Kent A. Jordan, of Delaware, to be United States District Judge for the District of Delaware.

Otis Webb Brawley, Jr., of Georgia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

Wayne Abernathy, of Virginia, to be an Assistant Secretary of the Treasury.

Mark E. Fuller, of Alabama, to be United States District Judge for the Middle District of Alabama.

Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia.

Robert B. Kugler, of New Jersey, to be United States District Judge for the District of New Jersey.

Jose L. Linares, of New Jersey, to be United States District Judge for the District of New Jersey.

Freda L. Wolfson, of New Jersey, to be United States District Judge for the District of New Jersey.

John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay.

Kim R. Holmes, of Maryland, to be an Assistant Secretary of State (International Organizations).

Irene B. Brooks, of Pennsylvania, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Allen I. Olson, of Minnesota, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission for the term of three years.

Judith Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2002.

Judith Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2007. (Reappointment)

Beth Walkup, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Nancy S. Dwight, of New Hampshire, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

A. Wilson Greene, of Virginia to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Maria Mercedes Guillemard, of Puerto Rico, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

Peter Hero, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

Thomas E. Lorentzen, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

James M. Stephens, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005.

Maura Ann Marty, of Florida, to be an Assistant Secretary of State (Consular Affairs).

Peter DeShazo, of Florida, Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during tenure of service as Deputy Permanent Representative of the United States of America to the Organization of American States.

John L. Morrison, of Minnesota, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2004.

John Portman Higgins, of Virginia, to be Inspector General, Department of Education.

Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2005.

Robert J. Battista, of Michigan, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2007.

Wilma B. Liebman, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2006.

J. Cofer Black, of Virginia, to be Coordinator for Counterterrorism with the rank and status of Ambassador at Large.

Blanquita Walsh Cullum, of Virginia, to be a Member of the Broadcasting Board of Governors for term expiring August 13, 2005.

Routine lists in the Coast Guard, which were discharged from the Committee on Commerce, Science, and Transportation, and in the Foreign Service.

**Pages S11031–32, S11045–52, S11056–57, S11079**

**Nominations Received:** Senate received the following nominations:

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Richard Zenos Winget, of Nevada, to be United States Marshal for the District of Nevada.

Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring June 16, 2011.

James M. Loy, of Virginia, to be Under Secretary of Transportation for Security for a term of five years.

1 Army nomination in the rank of general.

Routine lists in the Army, Navy. **Pages S11030–31**

**Messages From the House:** **Page S11076**

**Measures Placed on Calendar:** **Page S11076**

**Executive Communications:** **Pages S11076–78**

**Executive Reports of Committees:** **Page S11079**

**Additional Cosponsors:** **Pages S11079–80**

**Statements on Introduced Bills/Resolutions:**  
**Pages S11080–86**

**Additional Statements:** **Pages S11075–76**

**Amendments Submitted:** **Pages S11086–S11137**

**Authority for Committees to Meet:**  
**Pages S11137–38**

**Privilege of the Floor:** **Page S11138**

**Record Votes:** One record vote was taken today.  
(Total—243) **Pages S10992–93**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 10:46 p.m. until 9:45 a.m., on Friday, November 15, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11160).

## Committee Meetings

(Committees not listed did not meet)

### NOMINATION

*Committee on Foreign Relations:* Committee concluded hearings on the nominations of Mary Carlin Yates, of Oregon, to be Ambassador to the Republic of Ghana, after the nominee testified and answered questions in her own behalf.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items: The nominations of Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, Michael W. McConnell, of Utah, to be United States Circuit Judge for the Tenth Circuit,

and Kevin J. O'Connor, to be United States Attorney for the District of Connecticut;

S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns, with amendments;

S. 1655, to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals, with an amendment in the nature of a substitute;

S. 2934, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion;

H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion;

S. 2541, to amend title 18, United States Code, to establish penalties for aggravated identify theft;

H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact;

S. 2520, to amend title 18, United States Code, with respect to the sexual exploitation of children, with an amendment in the nature of a substitute; and

S. Con. Res. 94, expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

### TERRORISM REPORT

*Committee on the Judiciary:* Subcommittee on Technology, Terrorism, and Government Information held hearings to examine the current state of national preparedness against terrorism, focusing on the October 2002 Hart-Rudman Terrorism Task Force Report, after receiving testimony from former Senator Warren Rudman, Cmdr. Stephen E. Flynn, USCG (Ret.), Council on Foreign Relations, New York, New York, and Philip A. Odeen, TRW, Inc., Arlington, Virginia, all on behalf of the Council on Foreign Relations Independent Task Force on Homeland Security; and Colonel Randall J. Larsen, USAF (Ret.), ANSER Institute for Homeland Security, Arlington, Virginia.